

FILED

February 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0646

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID RICHARD MAPLES,

Defendant and Appellant.

FILED

FEB 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joseph P. Howard, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until April 22, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 16 day of February, 2010.

JOSEPH P. HOWARD, P.C.
Joseph P. Howard
P.O. Box 268
Great Falls, MT 59403

By: *Joseph P. Howard*
Joseph P. Howard

STATE OF MONTANA)
 : ss.
County of Cascade)

I, Joseph P. Howard, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as a contract attorney.

2. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief was first due on January 22, 2009. The brief is presently due on February 22, 2010.

4. As shown below, I have exercised diligence and have substantial need for the extension.

5. I was assigned to handle the above-entitled matter on January 20, 2010.


6. Due to my current workload and other pressing deadlines, I cannot meet the present deadline for filing the Appellant's Opening Brief.

7. I have had some difficulty in communicating with my client who lives in Big Sky, Montana, and wish to hear from him before filing the Opening Brief.

8. I will work diligently to complete the matter in the time requested.

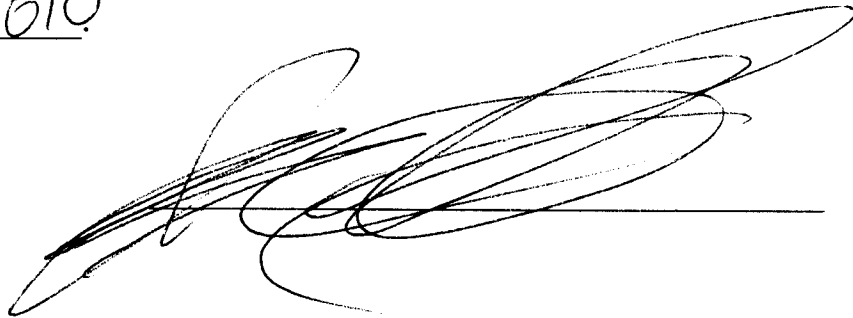
9. Opposing counsel has been contacted concerning this motion and does not object.

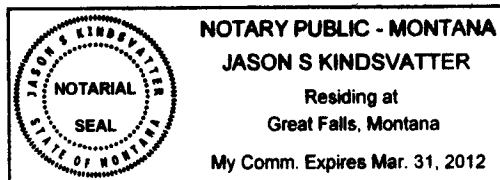
10. Further your affiant sayeth naught.



Joseph P. Howard

SUBSCRIBED AND SWORN to before me this 16 day of
Feb., 2010





CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

MARTY LAMBERT
Gallatin County Attorney
1709 W. College
Bozeman, MT 59715

DATED: 2/10/10 Joseph C. Haver